

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LAURA STRZELECKI,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 08-15171

Hon. Gerald E. Rosen

Magistrate Judge Charles E. Binder

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on January 26, 2012

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

On October 12, 2011, Magistrate Judge Charles E. Binder issued a Report and Recommendation ("R & R") recommending that the Court grant the Defendant Commissioner of Social Security's motion for summary judgment and deny Plaintiff Laura Strzelecki's motion for summary judgment. Plaintiff, proceeding *pro se*, has filed objections to the R & R, and the Defendant Commissioner has filed a response to these objections. Having reviewed the R & R, Plaintiff's objections, the parties' underlying cross-motions for summary judgment, and the remainder of the record, the Court finds that the R & R should be adopted in its entirety.

Plaintiff's objections to the R & R consist of a two-page statement, some handwritten notes on a copy of the R & R, and roughly 160 pages of records that she evidently views as bearing upon her claim for disability benefits. In essence, Plaintiff appears to contend that these materials establish her entitlement to benefits for the period from February 24, 2002 to June 30, 2004.¹ Yet, to the extent that these records were produced in the course of the administrative proceedings, the Administrative Law Judge ("ALJ") addressed these materials in finding that Plaintiff was not disabled during the relevant time period,² and the Magistrate Judge has concluded that substantial evidence supports the ALJ's decision on this point.

In her present objections, Plaintiff does not identify any specific infirmities in the Magistrate Judge's analysis or the underlying decision of the ALJ, but merely expresses her generalized disagreement with the R & R's findings and her belief that she was, in fact, disabled during the relevant period. Such conclusory assertions that the record somehow establishes Plaintiff's entitlement to disability benefits, without any explanation as to how the ALJ might have erred in evaluating this record or in applying the pertinent legal standards, do not provide a basis for disturbing the Magistrate Judge's analysis and conclusions in the R & R. Moreover, to the extent that Plaintiff seeks to rely on materials

¹As noted in the R & R, Plaintiff partially prevailed in her claim for benefits, securing an administrative decision that she was entitled to Supplemental Security Income ("SSI") benefits for a period of disability commencing after January 30, 2009. Only her entitlement to benefits for the period prior to June 30, 2004 is at issue in this case.

²The Court notes that Plaintiff was represented by counsel in the administrative proceedings.

that were not a part of the administrative record, she has not established good cause for the failure to produce these materials in the course of the administrative proceedings, nor has she shown that these additional documents qualify as new and material evidence that would warrant a remand for further administrative proceedings. *See* 42 U.S.C. § 405(g). In short, Plaintiff's bare dissatisfaction with the Magistrate Judge's reasoning and recommendations cannot serve as a basis for rejecting the R & R.

Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's October 12, 2011 Report and Recommendation is ADOPTED as the opinion of this Court. IT IS FURTHER ORDERED that, for the reasons stated in the R & R, Defendant's motion for summary judgment (docket #32) is GRANTED, and Plaintiff's motion for summary judgment (docket #26) is DENIED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: January 26, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 26, 2012, by electronic mail and upon Laura Strzelecki, 9615 E. Beecher Road, Pittsford, MI 49271-8603 by ordinary mail.

s/Ruth A. Gunther
Case Manager